

## **EAST PALESTINE CITY COUNCIL-REGULAR-JUNE 25, 2012-COMMUNITY CENTER**

Mayor Zuch called the meeting to order. Present were Ellen Beagle, Don Elzer, Fran Figley, Scott Rauch, and Endia Wisser. Jim Tyger was absent. The minutes from the June 11, 2012 meeting were approved on a motion by Mr. Rauch seconded by Mrs. Wisser. The mid month report from the Regional Income Tax Agency was approved on a motion from Mr. Rauch, seconded by Mr. Figley.

**AGENDA:** Mr. John Herbert to speak on oil and gas drilling. He stated that he gave all of council an article that was in the Sierra Magazine that explained the dangers of this type of drilling. He stated there also was an article in the Morning Journal on Saturday talking about payments these companies have made to people whose water supplies have been contaminated. He hopes everyone read the article. He wants everyone to be aware of the potential dangers this drilling can cause. He stated that a few years back when the threat of coal mining was right on the outskirts of town that we got that stopped and he hopes we can do something about this. Mrs. Wisser asked if we opt out of the drilling if they can still go underneath and Mr. Herbert said he believed they could. He stated the biggest problem is, the casings they use. If they put them in the ground and they are not strong enough and the break the chemicals can leak out and get into the water supply. Mr. Figley asked if it had actually ever contaminated a water supply and that he had read an article stating that it never had. The article in Saturday's paper stated talking about a settlement by a company for 1.6 million dollars because their water was ruined and they had to move out of the area.

Lisa Hamner from CSI Environmental to speak on a community wide recycling program. She spoke with Chris Jacobs from Solid Waste District and they want to come up with a program for curbside recycling for East Palestine. She wants to bring him to meeting to discuss the options. Mr. Rauch stated he would like to hear from him. Hamner stated it's a tough sell because there is not a lot of money to be made and it's very expensive to recycle. She thinks the only way it will work is with the Municipality collaborating with the Solid Waste District. She stated the current recycling dumpsters are an eyesore and an expense to the City. They are abused. Mrs. Wisser asked if this program would cost the residents and Mrs. Hamner stated that ideally no it wouldn't. She stated more people would participate if it were curbside instead of having to load it in their vehicles and take it to the dumpsters. Council agreed they would like to hear from him. Hamner said there is not a specific program in place yet; it would be more like brainstorming and working a plan to implement. Hamner stated there are programs available for municipalities to obtain bins at no cost, but it's only for municipalities. She herself cannot obtain them because they are a private company. Mr. Rauch made a motion for Hamner to have Chris Jacobs from Solid Waste District come to a council meeting. Seconded by Mr. Elzer. Motion carried. There were no Mayors or Clerks report.

**MANAGERS REPORT:** Mr. Monteleone stated it had been a good first week and that he gave council a written update in their packets. He stated that since Wood St. and Garfield Avenue are now going to be paved that he needs council's approval to remove them from the list for chip and seal. Mr. Elzer asked if other street could be added since these are being removed. Thompson stated no, you cannot add new streets. She asked Bob Durbin from the county if different streets could be added and he said no. Mr. Elzer made a motion to remove Wood and Garfield from the chip and seal list because they are going to be paved. Seconded by Mr. Figley. (Mr. Rauch abstained because he lives on Garfield) All in favor, motion carried.

**LAW DIRECTORS REPORT:** We need to address the Moore Lane and Main St Bore project. Previously there was legislation prompted by the contractors that required an easement on EP Management property to complete the bore portion of the project. Council had discussed not doing the bore portion of the project and only doing the Moore Lane portion. A decision needs to be made soon as to what it will entail as far as legislation and if the easement is still needed. There is a timeline on the funding. She spoke with Mr. Monteleone this week and said that he and Thompson have numbers for doing just the Moore Lane portion vs. doing the entire project. Monteleone said that removing the bore would save approximately \$92,000 and we would still receive the 20% forgiveness. We need to take action as soon as possible because this could delay the project 30 days. Mr. Figley said it was discussed at the last meeting and that there is no need for the bore. Mr. Elzer asked if the \$92,000 was a grant or our cost. Thompson stated it is our cost but the 20% loan forgiveness will come off of that number. Mr. Figley said if it needed done later it would be better to bid the bore by itself. Atty Smith stated the WWTP Superintendent Jurjavic stated previously that he thought it could be separated. Mr. Monteleone agreed with Smiths statement. Thompson stated that eliminating the bore will delay the Moore Lane project by 30 days but will still fit into timeline for the funding. Mr. Figley made a motion to remove the bore portion of the Moore Lane waterline project, seconded by Rauch (Mr. Elzer abstained because the easement is for his property). All in favor, motion carried. At this time Mr. Figley stated he was given a note stating a Mr. Jim Kincade will to donate \$500 towards the new K-9 unit for the PD. Mr. Monteleone stated the dog would be dual purpose: narcotics and tracking.

**STREET COMMITTEE REPORT:** Park Dr. project is completed. The contractors and the State were very cooperative. Some areas inside the plant were repaired and they also did from the bridge to W. Main St. The cost will be a little less than originally thought. Mr. Elzer stated the gas

company did some work in his yard and tore up a piece of the new pavement. He wanted to know if they are to do the repairs. Mr. Figley stated repairs to roads after water breaks are the responsibility of the water dept. He doesn't think they can get them repaired and he would like to know if the repairs could be made with street levy money. We do not have time or manpower to do it ourselves. Mr. Rauch said if street levy funds can be used for those repairs, let's get it done. Mr. Figley stated he also wants to start working on the alleys. Mr. Rauch asked if they could grind the alleys while paving on Wood and Garfield. The new grindings will be 1 ½ inches and it will be better for using for repairs. Mrs. Wisser asked if our street department had no paving capability. Mr. Figley said no, that's not it. They have limited paving capabilities but no manpower. The bridge load rating has to be done by 2013. There is a program thru the county that will be of no charge to us. There are some minor repairs needed on some of the bridges but there is no manpower to do it.

**SAFETY/PARK/RECREATION/CEMETERY COMMITTEE REPORT:** The schedule for July 4<sup>th</sup> looks good. The park looks very good. Mr. Rauch asked Dot Herbert how the pool has been and she stated it's been wild. The park is a great place to be on July 4<sup>th</sup>. It's a busy and a very good time. Mr. Elzer thanked Mrs. Wisser because she puts the whole day together. Mr. Figley mentioned the railing at the steps going up the hill across from the Community Center. There is only a railing on one side and he thinks there should be one on both sides. Mr. Figley says it's a liability. Mr. Rauch said he will follow up on the railings and he will meet with Chief Todd on some issues. Mr. Figley said he is getting calls of streetlights being out and who do they need to call. He was told to report it to the PD. Anyone can report them to the PD, with the number from the pole for repair.

**DEVELOPMENT COMMITTEE REPORT:** He loves this community because when something is needed everyone steps up. The PD still needed approx \$2000 for the dog. Interim Chief Kevin Dickey stated there was an overwhelming response for donations to cover what was needed. He said there would still be a need for additional funds. The dog has to be trained for 7 weeks; there will be training for the handler which will be Officer Johnson, setting up the cruiser for the dog. This is all very costly. He is hoping the dog will be here around the end of August. He stated there is a donor for the cameras and he has been working with Comcast on the Internet needed and it looks like they will be the cheapest. Mr. Elzer stated Todd & Jamie Rosen donated \$15,000 worth of cameras for the park. Mayor Zuch stated this project for the K9 unit would be an ongoing project with costs and the cameras at the park would have ongoing costs, along with social concerns. Let's keep our donations in town and support our community. Mr. Rauch said property values will change for the better once the dog and cameras are in place. He said the cameras would help eliminate the vandalism at the park, which has cost the City thousands of dollars over the years. We don't want to go to a police state, but this is us taking our city back. Mr. Rauch thanked Sgt. Dickey who is Interim Police Chief for making such a smooth transition. Mr. Elzer stated there was a meeting last week with the Health Dept and the County for tap in fees and sewer rates for the new sewer line. Mr. Elzer asked Thompson if the tap in fees will generate approx \$12,000 and the monthly sewer fees for the homes required to tie in by law will generate approx \$11,000 a year. He wants that money set aside for future expansion up Rt. 14. Thompson stated currently any water & sewer tapins go to water/sewer replacement fund and sewer bills go into water/sewer revenue fund. Mr. Elzer asked if those specific monies could be put into a separate fund. Thompson said she would have to refer that to Atty. Smith. Atty. Smith said she would review the Charter and any appropriations legislation to be sure. Mr. Figley said some of the money would be needed to maintain service for the new customers. Elzer stated there are 19 houses; Thompson said right now it's only 12 houses and that some had to be crossed off the list. Mr. Elzer stated that he was under the impression that the funds available for demo of homes was only for abandoned homes and he found out that some of the homes are homes that have been purchased for remodel and he thinks those should be eliminated from the list. Mr. Rauch stated that's how it's been done and doesn't think we have taken away anyone's homes. Mr. Elzer and Mr. Rauch stated that in the case of homes that have plans for remodel we should get a commitment from the owner and make them stick to a time frame. At this time Mr. Rauch asked council if anyone knew if there was any truth to the rumor that the Mexican restaurant was closing. Mr. Elzer said he has heard that rumor and he doesn't think it's true. Mr. Figley stated that a tenant in his apt works there and he asked her and she said no it isn't closing. Dianna Elzer stated they just paid their Chamber dues. Mr. Elzer said he would make a phone call to find out for sure.

**UTILITY COMMITTEE REPORT:** Mrs. Wisser read the schedule of events for the 4<sup>th</sup> of July. They need volunteers to work the gate for donations and for the dunk tank. The Brittain's project is on hold. The state of Ohio by law requires a signed agreement between auto dealers within ten miles of each other to approve any move of a dealership closer to the other. They are waiting on a signature of approval from Mr. Flynn. Mr. Figley stated that 4 months ago when this all began that Mr. Flynn told Mr. Figley that this wasn't going to happen because he had to give permission and Mr. Figley asked Tom Brittain if that was true and he said it was and they had it all worked out. If Mr. Flynn ever wants to move to Rt. 14 he can remain ten miles from Brittain's but if Brittain moves to his sight he has to stay 10 miles or have written permission. Mr. Figley stated it has to be "as the crow flies". Mr. Figley stated that is a franchise law and asked Atty Smith if that was correct. She said it's unclear where it comes from; they have heard it's a state law and a franchise requirement. She said

what Mr. Flynn said could be true but she wants to look at it further. She said 4517.50 says that he could move within one mile and she hasn't done "as the crow flies" and drove up. She said there is a provision that says if there has been more than 45 days notice and she believes there has. Mr. Figley stated that Mr. Flynn has stopped the project and wants to know what the issue is now. Atty Smith stated that she believes that because of the development issues some of Council hopes there may be away around that to help Brittain. Village Manager Monteleone stated when they met with Brittain on that Friday that was the deadline for the \$62,000 ARC grant. They did not sign that day because if they did either the Village or Brittain's would be liable for that money. The following Tuesday Monteleone met with Jeanette Wierzbicki from OMEGA. He asked Wierzbicki if Brittain did get a signature in the next few months, without that \$62,000 what were the options. She advised there are other ARC grant available that funding could be reacquired that could pay for most of the entire project. Ms. Beagle asked Mr. Figley if his issue was with the wording of "its on hold" when the letters do not say on hold, they say that Mr. Flynn is not signing. Mr. Figley said yes. Mr. Elzer stated he spoke to Mr. Flynn last week and his issue is he is having the same problem with the dealerships in Salem. He initially agreed to this with Brittain but when he didn't get his approvals he pulled back. Ms. Beagle asked if we are deciding that it's on hold. Mr. Figley said if we are going to spend our money, Mrs. Wisser said \$2000 to continue on with this project and they get funding and then Brittain says I don't want to do it, or Flynn says he can't do it. He wants Brittain to assume financial responsibility for any monies the Village has spent. Mr. Elzer said let not spend any more money on this until everything is in line. Ms. Beagle said she would spend years arguing that its not on hold, that it says, "suspend".

**FINANCE COMMITTEE REPORT:** No report, Mr. Tyger was not present.

**VISITORS:** Barb Lynch, Katie Schwendeman, John & Dot Herbert, Tiffany Inman, Dave Biggins, Traci Thompson, Charles Treece, Chuck McGuire, Dan Scott, Laura Beight, Teri Rauch, Rick & Karen Gorby, John Rettig Jr., Dianna Elzer, Rich Bolon, Park Grim, John & Bonnie Davis, Sgt. Kevin Dickey, Tami Harris, Roberta Brittain, Dave Vargo, Pam Figley, Abel Figley, Lisa & John Hamner, Kerri Stewart.

**LEGISLATION:** Ms. Beagle introduced **ord. 10-2012** for a 3<sup>rd</sup> reading and made a motion that it be read by title only. Seconded by Mr. Rauch. All in favor. **An ordinance adopting the budget and estimated resources for the City of East Palestine, Ohio, for the fiscal year beginning January 1, 2013 and declaring an emergency.** Ms. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Rauch. All in favor, motion carried. Ms. Beagle called for a vote on **ord. 10-2012**. Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Rauch-y, Mrs. Wisser-y. All in favor, motion carried. Ms. Beagle introduced **res. 11-2012r** and made a motion that it be read by title only, seconded by Mr. Rauch. All in favor, motion carried. **A resolution to exclude the approval of the city of salem, which approval would otherwise be required, for an alternate method of apportionment of local government fund monies to be distributed in 2013, and declaring an emergency.** Atty Smith explained that basically it means Salem is opting out of the apportionment of local government funds. Its done annually based on the largest city. It allows us to get a greater number of revenue share. Mr. Rauch said if this isn't done the money would go to Salem. It allows for additional funds. Ms. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Rauch. All in favor, motion carried. Ms. Beagle called for a vote on **res. 11-2012r**. Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Rauch-y, Mrs. Wisser-y. All in favor, motion carried. Ms. Beagle introduced **res-12-2012r** and made a motion that it be read by title only. **An emergency resolution approving a new alternative method of apportionment of local government fund and local government revenue assistance fund monies to be distributed in 2013.** Ms. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Rauch. All in favor, motion carried. Ms. Beagle called for a vote on **res. 12-2012r**. Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Rauch-y and Mrs. Wisser-y. All in favor, motion carried. Ms. Beagle introduced **res. 13-2012** and made a motion that it be read by title only, seconded by Mr. Rauch. All in favor, motion carried. **a resolution appointing peter j. monteleone as interim village manager for the village of east Palestine, ohio; establishing the compensation of said officer, and declaring an emergency.** Ms. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Rauch. All in favor, motion carried. Ms. Beagle called for a vote on **res.13-2012**, seconded by Mr. Rauch. Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Rauch-y, Mrs. Wisser-y. All in favor, motion carried.

Mr. Elzer made a motion to go into executive session to discuss legal matters, seconded by Mr. Rauch. Mayor Zuch stated there would be no further business conducted after executive session. All in favor, motion carried. Meeting adjourned to executive session.

**SIGNED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
**MARGO ZUCH, MAYOR** **MISTI J. MARTIN, CLERK**

